

**Commission on Peace Officer Standards and Training**

1601 Alhambra Blvd
Sacramento, CA 95816-7083
www.post.ca.gov

Date: July 28, 2006

Bulletin: No. 2006 - 10

Subject: **Notice of Proposed Regulatory Action: Add New Test Administration and Security Requirements for POST Basic Courses and Amend Related Language in Regulations 1005, 1007, 1008, and 1052, and Procedures D-1 and D-10**

The Commission on Peace Officer Standards and Training (POST) proposes to implement a requirement for written policies and procedures regarding test administration and test security, including sanctions for not complying with the regulation. At its December 2005 meeting and following a one-year trial period, the Consortium (POST Basic Academy directors and coordinators) voted unanimously to recommend that the *POST Basic Courses Test Use and Security Agreement* guidelines become a mandatory part of Basic Course certification. The POST Commission approved this proposal at its April 2006 meeting. This proposal calls for the regulations and procedure to be in place and to be implemented by January 1, 2007.

The attached notice provides information about the proposed regulatory action. All related documents are available on the POST website at www.post.ca.gov/RegulationNotices/RegulationNotices.asp:

- POST Bulletin and Notice of Proposed Regulatory Action
- Text of Proposed Regulatory Action
- Initial Statement of Reasons.

Pursuant to provisions in the Administrative Procedures Act, the Commission invites written input on this proposal. POST must receive written comments related to the proposed actions no later than September 11, 2006.

No public hearing is scheduled. Pursuant to Government Code Section 11346.8, any interested persons or duly authorized representatives may request that POST hold a public hearing. POST must receive the written request for a public hearing no later than 15 days prior to the close of the public comment period.

Please direct any inquiries regarding this proposed regulatory action by mail to Patricia Cassidy, Commission on POST, 1601 Alhambra Boulevard, Sacramento, CA 95816-7083, by email at Pat.Cassidy@post.ca.gov, or by telephone at 916.227.4847. Ken Krueger is the back-up contact person for this proposal; he is available by email at Ken.Krueger@post.ca.gov, or by telephone at 916.227.2810.

KENNETH J. O'BRIEN
Executive Director

Attachment: Notice of Proposed Regulatory Action

NOTICE OF PROPOSED REGULATORY ACTION

Add New Test Administration and Security Requirements for POST Basic Courses and Amend Related Language in Regulations 1005, 1007, 1008, and 1052, and Procedures D-1 and D-10

Notice is hereby given that the Commission on Peace Officer Standards and Training (POST) proposes to amend regulations in Chapter 2 of Title 11 of the California Code of Regulations. This proposal is made pursuant to the authority vested by Penal Code § 13503 – POST powers, and §13506 - POST authority to adopt regulations. This proposal interprets, implements, and makes specific Penal Code §13503 (e) – POST authority to develop and implement programs to increase the effectiveness of law enforcement, including programs involving training and education courses; Penal Code § 832.3 (b) – POST authority to develop a testing program and standardized tests.

Informative Digest/Policy Statement Overview

The Commission on Peace Officer Standards and Training (POST) proposes to implement a requirement for written policies and procedures regarding test administration and test security, including sanctions for not complying with this regulation.

Currently, POST requires all Basic Course Presenters to enter into a formal test security agreement with POST. This agreement, known as *POST Basic Courses Test Use and Security Agreement*, identifies the terms and conditions under which a presenter may acquire and use specific POST-constructed knowledge, comprehensive, scenario and exercise tests. This agreement, however, does not require presenters to create and maintain local policies or procedures for the safe handling of POST-developed and supplied tests.

In 2003, violations of the *POST Basic Courses Test Use and Security Agreement* forced POST staff to decertify a basic academy presenter. In this case, the act of actually providing students with answers to high-stakes written tests prior to the test administration compromised several test forms.

Following the incident, POST staff conducted an in-depth investigation into the nature and extent of test security problems at the decertified academy. The investigation identified several issues, which POST brought before the Consortium of California Academy Directors. The Consortium reviewed the findings in depth, and appointed an ad hoc committee on test security to study the issues and to draft policy and procedural guidelines, which consortium member academies could implement. The intent of the guidelines was to prevent occurrences like those identified in the follow-up investigation at the decertified academy. In September 2004, the consortium voted to approve the draft guidelines created by the ad hoc committee, and to invite voluntary compliance with the guidelines for 1 year, at which point the consortium would recommend either to make the guidelines mandatory or to keep them as a voluntary procedure.

At their December 2005 meeting and following a 1-year trial period, the Consortium (POST Basic Academy directors and coordinators) voted unanimously to recommend that the *POST Basic Courses Test Administration and Security Guidelines* become a mandatory part of Basic Course certification. The POST Commission subsequently approved this proposal at its April 2006 Commission Meeting. This proposal calls for the regulations and procedure to be in place and implemented by January 1, 2007. This time allows for review and approval by the Office of Administrative Law.

The implementation of these guidelines will greatly reduce the likelihood of compromised or misused testing material by assuring that all presenters have published policies and procedures, which are specifically designed to control test use and administration at the local site and will ensure the continued integrity of entry-level law enforcement training.

Public Comment

The Commission hereby requests written comments on the proposed actions. POST must receive all written comments no later than 5:00 p.m. on September 11, 2006. Please direct any written comments to

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Kenneth J. O'Brien, Executive Director, Commission on POST, 1601 Alhambra Boulevard, Sacramento, CA 95816-7083, or by fax at 916.227.2801.

A public hearing is not scheduled. Pursuant to Government Code Section 11346.8, any interested person or his or her duly authorized representative may request that POST hold a public hearing. The request must be in writing and received by POST no later than 15 days prior to the close of the public comment period.

Adoption of Proposed Regulations

Following the close of the public comment period, the Commission may adopt the proposal substantially as set forth without further notice, or the Commission may modify the proposal if such modifications remain sufficiently related to the text as described in the Informative Digest. If the Commission makes changes to the language before the date of adoption, POST will make available the text of any modified language, clearly indicated, at least 15 days before adoption, to all persons whose comments POST received during the public comment period and to all persons who request notification from POST of the availability of such changes. Please address a request for the modified text addressed to the agency official designated in this notice. The Commission will accept written comments on the modified text for 15 days after the date on which the Commission makes the revised text available.

Text of Proposal, Rulemaking File, and Internet Access

Information regarding the proposed regulatory action appears on the POST website at www.post.ca.gov/RegulationNotices/RegulationNotices.asp as follows:

- POST Bulletin and attached Notice of Proposed Regulatory Action
- Text of Proposed Regulatory Action
- Initial Statement of Reasons.

Anyone who does not have Internet access may request a copy of the documents listed above by calling 916.227.4847 or by submitting a written request to the contact person listed below. Please refer to POST Bulletin 2006-10. The rulemaking file contains the above-mentioned documents and all information that is the basis for this proposal. POST will maintain the file for inspection during its normal business hours (Monday through Friday, 8 a.m. to 5 p.m.).

The Final Statement of Reasons will be prepared after the close of the public comment period. To request a copy, contact POST via the above phone number, or write to the address under Contact Persons at the end of this notice. The document will also appear on the POST website at the address cited above.

Estimate of Economic Impact

- Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None
- Non-Discretionary Costs/Savings to Local Agencies: None
- Local Mandate: None
- Costs to any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

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- **Significant Statewide Adverse Economic Impact Directly Affecting California Businesses, including Small Business:** The Commission on Peace Officer Standards and Training has made an initial determination that the amended regulations will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability to compete with businesses in other states. The Commission on Peace Officer Standards and Training has found that the proposed amendments will have no affect on California businesses, including small businesses, because the Commission sets selection and training standards for law enforcement and does not have an impact on California businesses, including small businesses.
- **Cost Impacts on Representative Private Persons or Businesses:** The Commission on Peace Officer Standards and Training is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- **Effect on Housing Costs:** The Commission on Peace Officer Standards and Training has made an initial determination that the proposed regulation would have no affect on housing costs.

Assessment

The adoption of the proposed regulation amendments will neither create nor eliminate jobs in the state of California and will not result in the elimination of existing businesses or create or expand businesses in the state of California.

Consideration of Alternatives

To take this action, the Commission must determine that no reasonable alternative considered by the Commission, or otherwise identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective as and less burdensome to affected private persons than the proposed action.

Contact Persons

Please direct any inquiries or comments pertaining to the proposed action to Patricia Cassidy, Associate Analyst, 1601 Alhambra Boulevard, Sacramento, CA 95816-7083, by telephone at 916.227.4847, by FAX at 916.227.5271, or by email at Pat.Cassidy@post.ca.gov. The back-up contact person for this proposal is Ken Krueger, Senior Personnel Selection Consultant, in the Standards and Evaluation Services Bureau. Ken is available by telephone at 916.227.2810, or by email at Ken.Krueger@post.ca.gov.